

Remarks

The applicant thanks the Examiner for his consideration of the application and for allowing claims 13-17. With this amendment, claims 12 and 18 have been canceled, and claims 1 and 4 have been amended.

Claims 1-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rockey WO 88/05671, claims 1-12 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Chevillon US 2002/0022891, and claims 12 and 18 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Bessler 2004/0039452.


The applicant respectfully submits that neither Rockey nor Chevillon anticipates—or suggests—the subject matter of any of the claims 1-12, as amended. Chevillon is directed to an inflatable stent used for human blood vessels. Rockey is directed to a sleeve which can be disposed in the small intestine—rather than the stomach—to directly reduce the effective area of the intestine available for absorption. However, this sleeve does not contain a storage-like hollow body forming a stomach mock-up.

Claim 1 has been amended to require the implant include a “storage-like hollow body forming a stomach mock-up.” (See page 3, lines 14-16 of the current application.) Claim 4, which requires a “central bulging portion,” has been amended to put it into independent form. With these amendments, it is respectfully submitted that claims 1-11 are allowable over the cited art, as are previously allowed claims 13-17.

Therefore, in view of the foregoing remarks, all the pending claims are patentable over the cited art. Accordingly, applicant respectfully requests reconsideration of the rejected claims and a notice of allowance.

The Commissioner is also hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to Deposit Account No. 19-4972.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy M. Murphy', written over a horizontal line.

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